

REMARKS

By the foregoing amendments, Applicants have revised claims 61, 64, and 67 to replace their “monitoring” language, on the basis of which the Examiner rejected the claims for lack of specification support, with “dynamically,” for which the specification provides explicit support at, e.g., ¶ 0049. With that amendment’s entry, claims 2-6, 10, 11, 13-23, 38, 40, 41, 43-48, 50, 52-53, and 55-69 are pending.

Applicants also wish to reiterate their arguments regarding certain other bases the Examiner has given for rejecting claims. Specifically, a previous action states, with regard to claims 61, 64, and 67, that “it is not understood how a sequence of storage times in the preamble affects the way the method operates, what changes at limitation A), what is considered ‘that storage time’ at limitation i), what is considered ‘those contents’ and ‘those locations’ at limitation i) and ii).

Applicants’ response is that the claim language means what ordinary English definitions and grammar would have them mean. The preamble recites a sequence of storage times, and the elements in body paragraphs A) and B) are recited as applying “for each of a sequence of storage times.” That is, although those body recitations apply to every one of a plurality of the storage times in the sequence, they do so, in accordance with the normal and customary meaning of the word *each*, to one of them at a time, and it is the storage time previous to that one at a time to which, in accordance with normal English usage, “the previous storage time” refers. This is normal English usage. It is the same as in,

“Each child’s back pack has that child’s name on it”: the sentence refers to all children, but to each one separately, since presumably not all the children have the same name.

Moreover, the preambles’ recitations of storage times do indeed affect the recited operations that the claims’ bodies recite. As, e.g., claim 61’s preamble together with its ¶ B) plainly states, it is at each given storage time that the recited storage of the identified locations’ contents occurs in the backup storage system, and the locations identified for that purpose are the ones that at the given storage time have, as ¶ A) states, changed since the previous storage time. Finally, ¶ B) i) introduces “contents” and “locations,” which clearly are what ¶ B) ii)’s “those contents” and “those locations” refer to.

In short, the meanings of the questioned phrases are the ones that normal rules of English grammar and meaning dictate. So, if the Examiner wishes to persist in the rejection under the second paragraph of 35 U.S.C. §112, Applicants respectfully request that the Examiner state the basis for that rejection with more precision. Applicants further respectfully request that the Examiner withdraw all rejections and allow all currently pending claims.

Respectfully submitted,

Date: August 21, 2006
Customer No: 25181
Patent Group
Foley Hoag, LLP
155 Seaport Blvd.
Boston, MA 02210-2600

/ Joseph H. Born /
Joseph H. Born, Reg. No. 28,283
Attorney for Applicants
Tel. No. (617) 832-1134
Fax. No. (617) 832-7000